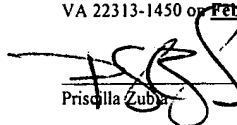


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Fan, Jian-Bing  
Appl. No. : 10/537,204  
Filed : June 03, 2005  
Title : MULTIPLEXED METHYLATION  
DETECTION METHODS  
Grp./A.U. : Not Yet Assigned  
Examiner: : Not Yet Assigned

Customer No.: 41552  
Confirmation No.: Not Yet Assigned  
CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR §  
1.10)  
"Express Mail" Mailing Label Number EV 644277261 US  
I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to Addressee"  
service under 37 CFR § 1.10 on the date indicated above and is  
addressed to Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on Feb. 6, 2007.

  
Priscilla Zubin

**TRANSMITTAL**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

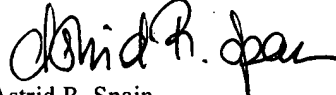
Dear Sir:

Transmitted herewith is a Response to Notification of Missing Requirements in the above-identified application.

- ☒ No additional fee is required.
- ☒ Applicant is entitled to small entity status under 37 CFR 1.27
- ☒ Also attached: Declaration; Copy of Preliminary Amendment (as Exhibit "A"); Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and Return Receipt Postcard and Petition for Extension of Time.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Astrid R. Spain  
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 ARS:dcd  
Facsimile: 858.597.1585  
Date: February 6, 2007

Please recognize our Customer No. 41552 as our  
correspondence address.

ms



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/537,204	Jian-Bing Fan	067234-0130

41552  
MCDERMOTT, WILL & EMERY  
4370 LA JOLLA VILLAGE DRIVE, SUITE 700  
SAN DIEGO, CA 92122

**RECEIVED**  
AUG 11 2006

INTERNATIONAL APPLICATION NO.	
PCT/US03/38582	
I.A. FILING DATE	PRIORITY DATE
12/03/2003	02/07/2000

**COPY**

MCDERMOTT, WILL &amp; EMERY

CONFIRMATION NO. 3434

371 FORMALITIES LETTER



\*OC000000019811585\*

Date Mailed: 07/31/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/03/2005
- Copy of the International Search Report filed on 06/03/2005
- U.S. Basic National Fees filed on 06/03/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$525** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$525** for a Small Entity:

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604

**DOCKETED**  
cc

(September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**

Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is \$ 525

- \$100 for 1 independent claims over 3.
- \$425 for 17 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,204	PCT/US03/38582	067234-0130

FORM PCT/DO/EO/905 (371 Formalities Notice)

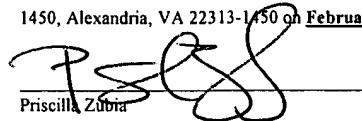
Docket No.: 067234-0130

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Fan, Jian-Bing  
Appl. No. : 10/537,204  
Filed : June 03, 2005  
Title : MULTIPLEXED METHYLATION  
DETECTION METHODS  
Grp./A.U. : Not Yet Assigned  
Examiner: : Not Yet Assigned

Customer No.: 41552  
Confirmation No.: Not Yet Assigned  
CERTIFICATE OF MAILING BY EXPRESS MAIL(37  
CFR § 1.10)  
"Express Mail" Mailing Label Number EV 644277261 US  
I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR § 1.10 on the date indicated  
above and is addressed to Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450 on February 6, 2007

  
Priscilla Zubra

**Response to Notification of Missing Requirements**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Declaration in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed July 31, 2006 with regard to the above-identified application. Please note that the Notification (copy enclosed herewith) indicates that fees in the amount of \$525 are required in order to fulfill the requirements of this Notification. We have enclosed documentation to confirm that there are NO FEES required at this time.

Firstly, upon review of the file and our deposit account, it was discovered that our Preliminary Amendment filed on June 2, 2006 which included fees in the amount of \$425.00 for additional claims, had not been charged to our Deposit Account by the mailing of the Notification on July 31, 2006. As a result and nearly two months after our June 2, 2006 filing of the Preliminary Amendment, the amount listed as unfulfilled by the Notification was inaccurate. Upon discussion with Ms. Francine Young at the PTO<sup>1</sup>, we verbally authorized payment of said fees. A copy of the Preliminary Amendment is attached as Exhibit "A" to this Transmittal.

Secondly, we believe that there is an error with regard to the listed "total claims" indicated on the Notification. The breakdown of the claims filed in the Application and then the Preliminary Amendment is diagrammed below.

Original Application, filed June 3, 2005:

Independent Claims	=	2
Dependent Claims	=	9
Multiple Claims	=	<u>16</u> (8 claims counting as 2 each)
TOTAL CLAIMS	=	27

Preliminary Amendment, filed June 2, 2006

Independent Claims	=	4
Dependent Claims	=	17
Multiple Claims	=	<u>16</u> (8 claims counting as 2 each)
TOTAL CLAIMS	=	37

The Preliminary Amendment filed on June 2, 2006 consisted of 1 additional Independent claim (x \$100.00) and now there were 13 claims over 20 (13 x \$25.00); bringing the total due to \$425.00. This amount, \$425.00, is the amount we authorized the USPTO to charge to our account in the Preliminary Amendment filed June 2, 2006, and which, as of October 6, 2006, had not been deducted from our account. Subsequently, it was deducted from our Deposit Account on October 12, 2006.

According to the requirements of the Notification, we are to submit a Declaration in this matter, which we have supplied herewith. You will note that the oath/declaration charge was paid according to the June 3, 2006 fees paid for the national phase filing of said application. The amount of \$130.00 was included in those charges to cover submitting the Declaration at a later date.

---

<sup>1</sup> Ms. Francine Young signed off on the Notification of Missing Requirements mailed 07/31/2006. Her telephone number is listed as (703) 308-9140 ext 215)

Application No.: 10/537,204  
Attorney Docket No.: 067234-0130

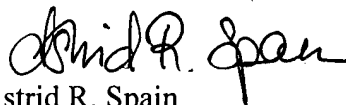
It would appear that in calculating the fees mentioned in the Notification, an error was made. In particular, and based upon a telephone conversation with Ms. Young, there was a miscalculation in determining the number of multiple claims. Please refer to MPEP 608.01(n) which explains the definition of multiple claims.

Finally, the Notice indicates that the application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicants respectfully submit that the above-identified application contains no sequences that would be subject to 37 C.F.R. 1.821-1.825.

At this time, and based on the aforementioned information, we believe that there are NO FEES required in regards to this Notification. We will, however, authorize the USPTO to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17 in order to secure the filing of this response. If the USPTO has any disputes with regard to the above, please do not hesitate to contact the undersigned attorney.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Astrid R. Spain  
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 ARS:dcd  
Facsimile: 858.597.1585  
**Date: February 6, 2007**

**Please recognize our Customer No. 41552  
as our correspondence address.**